

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA., as subrogee
and assignee of Montefiore Medical Center,

Plaintiff,

-against-

SURGALIGN SPINE TECHNOLOGIES, INC.,
formerly known as RTI SURGICAL, INC.; and
ORGANOGENESIS, INC., formerly known as
NUTECH MEDICAL, INC.,

Defendants.

1:22-cv-09870-JLR

**JOINT MOTION FOR ORDER
DISMISSING ACTION AGAINST
DEFENDANT ORGANOGENESIS,
INC.**

**JOINT MOTION FOR ORDER DISMISSING ACTION AGAINST DEFENDANT
ORGANOGENESIS, INC.**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff National Union Fire Insurance Company of Pittsburgh, Pa. (“National Union”) and Defendant Organogenesis, Inc., including as successor to NuTech Medical, Inc. (“Organogenesis”), jointly and respectfully move the Court for an Order dismissing this action as it relates to Organogenesis, including all claims National Union has brought against Organogenesis (Counts V-VII of the Second Amended Complaint [Dkt. No. 62]), with prejudice and without costs or attorneys’ fees, with all parties waiving any right to appeal. *See Money Tree Capital Funding, LLC v. Money Tree Capital Markets LLC*, No. 22-cv-10084 (ER), 2023 U.S. Dist. LEXIS 36041, at **3-4 (S.D.N.Y. Mar. 3, 2023).

Dated: May 17, 2024

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA., as
subrogee and assignee of Montefiore Medical
Center

By Its Attorneys,

GORDON REES SCULLY MANSUKHANI
LLP

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ORGANOGENESIS, INC., formerly known
as NUTECH MEDICAL, INC.

By Its Attorneys,

FOLEY HOAG LLP

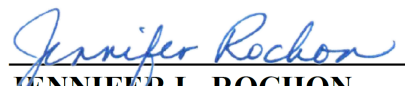
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Plaintiff's claims against Defendant Organogenesis, Inc. are dismissed with prejudice. The Clerk of Court is respectfully directed to terminate Organogenesis, Inc. and close the motion pending at ECF No. 74. Because the only defendant remaining in this action is Surgalign Spine Technologies, Inc., which remains in bankruptcy proceedings, the Clerk of Court is further directed to mark the case as STAYED.

Plaintiff and Surgalign Spine Technologies, Inc. shall inform the Court promptly when the stay can be lifted. Plaintiff and Surgalign Spine Technologies, Inc. shall file a joint status letter no later than four months from the date of this order, and every four months thereafter until the stay can be lifted.

Dated: May 21, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge